

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOSHUA MUZUMALA,

Plaintiff,

-against-

CITY OF NEW YORK, ET AL.,

Defendants.

22-CV-8423 (LTS)

ORDER

LAURA TAYLOR SWAIN, United States District Judge:

Plaintiff filed this action *pro se* and *in forma pauperis* (“IFP”). On October 10, 2023, the Court dismissed the complaint for failure to state a claim on which relief may be granted, and entered judgment that same day. (ECF 14, 15.) On January 14, 2024, Plaintiff filed a motion for an extension of time to file a motion for reconsideration under Local Rule 6.3 of the Southern District of New York. (ECF 16.) By order dated March 18, 2024, the Court construed the motion as arising under Local Rule 6.3 and Federal Rule of Civil Procedure 59(e), dismissed it as untimely.¹ (ECF 17.) On March 27, 2024, Plaintiff filed: (1) a motion for an extension of time to file a notice of appeal from the March 18, 2024 order; (2) two declarations; and (3) a notice of appeal. (ECF 18-20, 22.) That same day, the Clerk’s Office transmitted the notice of appeal and a certified copy of the docket sheet to the Second Circuit.

DISCUSSION

Under Rule 4(a)(1)(A) of the Federal Rules of Appellate Procedure, a notice of appeal in a civil case must be filed within 30 days after entry of judgment. Because Plaintiff’s notice of appeal, filed on March 27, 2024, was filed within 30 days from the March 18, 2024 order, the

¹ The Court informed Plaintiff that he could seek reconsideration under Fed. R. Civ. P. 60(b). (ECF 17 at 2 n.1.)

notice of appeal is timely, and a motion for extension of time to appeal is unnecessary.

Accordingly, Plaintiff's motion for extension of time to appeal is denied as unnecessary.

CONCLUSION

Plaintiff's motion for an extension of time to file a notice of appeal from the March 18, 2024 order is denied as unnecessary, and the Clerk of Court is directed to terminate it. (ECF 18.) Plaintiff's appeal has been transmitted to the Second Circuit, and it is pending.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppededge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: April 9, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge